

March 22, 2024

Via ECF

The Honorable Loretta A. Preska,
United States District Court for the Southern District of New York,
500 Pearl Street,
New York, NY 10007.

Re: *Petersen Energía Inversora S.A.U. v. Argentine Republic and YPF S.A.*,
No. 15 Civ. 2739 (LAP); *Eton Park Capital Mgmt. et al. v. Argentine
Republic and YPF S.A.*, No. 16 Civ. 8569 (LAP)

Dear Judge Preska:

We write jointly on behalf of Plaintiffs and Defendant in connection with the Court's March 18 order directing the parties to meet and confer concerning Plaintiffs' request for documents relating to accounts of the Republic at the Banco Central de la República Argentina ("BCRA"), which were produced last week to the plaintiff in the *Bainbridge* matter.

The parties met and conferred regarding these documents on Tuesday, March 19. Plaintiffs contend that they are responsive to Request No. 30 of their October 16, 2023 Requests for Production of Documents ("Documents produced in connection with any other proceeding concerning the enforcement of a judgment against Argentina") (*Petersen* ECF No. 540-1) and are relevant in this case because they may reveal information concerning the Republic's global assets and flow of funds. Plaintiffs also contend that these documents are responsive to Request No. 38 ("Documents concerning or related to any Debts owed by any of the Specified State-Owned Enterprises to Argentina, during the period from April 1, 2012 to the present") because BCRA is defined in the Requests as a Specified State-Owned Enterprise and BCRA identifies "Deposits from Argentine Government" as "Liabilities" (i.e., "Debts") in its annual financial reports. *See, e.g.,* BCRA 2022 Financial Statements at 5, *available at* <https://web2.bcr.gov.ar/Pdfs/PublicacionesEstadisticas/i2022FinacialStatements.pdf>.

The Republic contends that (i) Request No. 30 is impermissibly overbroad insofar as it calls for the production of all documents produced in other proceedings without regard to whether the documents are relevant in *this* case; (ii) the Republic's accounts at the BCRA are not "Debts" owed by BCRA to the Republic and thus are not responsive to Request No. 38, which in any event had been tabled by agreement (*see Petersen* ECF No. 539 at 2, n.1); (iii) the BCRA is not a "state-owned enterprise" or an alter ego of the Republic, *see EM Ltd. v. Banco Cent. De La República Argentina*, 800 F.3d 78, 92 (2d Cir. 2015) ("BCRA was founded in 1935 as Argentina's Central Bank. By statute, it is 'a self-administered institution,' . . ."); and (iv) the documents are not responsive to any of Plaintiffs' other Requests, which exclude documents related to assets in Argentina.

Nevertheless, in the interest of resolving the dispute, and without waiving any objections or conceding any argument, the parties have agreed that the Republic will produce to

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Plaintiffs the statements of the Republic's accounts at the BCRA that were produced last week to the *Bainbridge* plaintiff.

The parties will write again by April 17 with an update on the progress of the remaining discovery.

Respectfully,

/s/ Robert J. Giuffra, Jr.

Robert J. Giuffra, Jr.

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cc: Counsel of Record